

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROSE FEAVER, an individual, ARTIN ADAMIAN,
an individual, and MYUNGSHUN SHIM, an
individual, and on behalf of all others similarly
situated,

Plaintiffs,

v.

KAISER FOUNDATION HEALTH PLAN, INC.,
KAISER FOUNDATION HOSPITALS, and DOES 1-
50, Inclusive,

Defendants.

No. 15-cv-00890-EMC

~~[PROPOSED]~~ **ORDER GRANTING
STIPULATION REGARDING
NOTICE OF SETTLEMENT AND
DISMISSAL OF LAWSUIT**

AS AMENDED
Judge: Hon. Edward M. Chen

PURSUANT TO THE PARTIES' STIPULATION REGARDING NOTICE OF SETTLEMENT AND DISMISSAL OF LAWSUIT, having reviewed the pleadings and papers on file in this action, and having considered the Parties' arguments, the Court makes the following findings, and good cause appearing, makes the following order:

1. The Parties' Stipulation Regarding Notice of Settlement and Dismissal of Lawsuit is GRANTED;

2. The settlements reached by the Parties represent fair and equitable resolutions of this action, reasonably resolve bona fide disagreements between the Parties regarding the merits of the claims asserted by Plaintiffs, and demonstrate a good-faith intention by the Parties that the claims of Plaintiffs be fully and finally resolved, and not re-litigated in whole or in part at any point in the future;

3. The settlements reached by the Parties are approved by this Court;

4. Pursuant to the terms of the Parties' confidential Settlement Agreements, the above-caption action, including Plaintiffs' Fair Labor Standards Act claims, and all claims for relief set forth therein, shall be dismissed with prejudice;

5. Each side shall bear their own attorneys' fees and costs, except as may otherwise be provided in the confidential settlement agreements.

6. The Notice of Settlement, attached hereto as Exhibit 1 is to be mailed to the other OPMs within 14 business days of the entry of this Order, with a website to be established by the Administrator and which shall have copies of the complaint, the Court's ruling on the motion for conditional certification, and the Parties' joint motion for approval of the settlement, which is to remain available for at least 120 days after it is created.

This order disposes of Docket Nos. 57 and 65.

IT IS SO ORDERED.

DATE: July 22, 2016

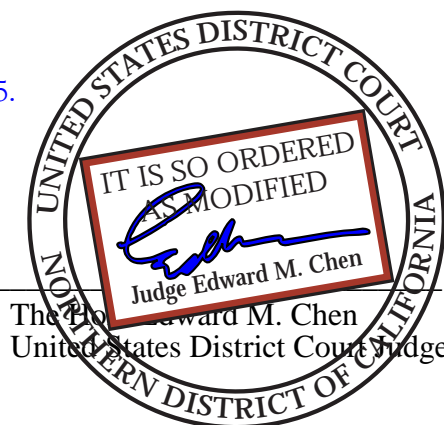


EXHIBIT "1"

NOTICE OF TERMINATION
FAIR LABOR STANDARDS ACT LAWSUIT

From: Claims Administrator, *Feaver, et al. v. Kaiser Foundation Health Plan et al.*

To: All Outpatient Pharmacy Managers (“OPMs”) who have worked for Kaiser at anytime from October 4, 2013 through the present.

Date: [Date of mailing]

Re: Termination of a purported collective action lawsuit against Kaiser Foundation Health Plan and Kaiser Foundation Hospitals (“Kaiser”) under the federal Fair Labor Standards Act.

The purpose of this Notice is to inform you of the dismissal of a collective action lawsuit. Three present or former OPMs at Kaiser, Plaintiffs, Artin Adamian, Myungsun Shim, and Rose Feaver (collectively “Plaintiffs”), sued Kaiser in the United States District Court for the Northern District of California in the lawsuit *Feaver et al. v. Kaiser Health Plan et al.*, Docket No. 3:15-CV-00890 (“Lawsuit”). Plaintiffs filed this lawsuit against Kaiser on February 26, 2015. Plaintiffs are current and former OPMs employed by Kaiser who claim they were not paid overtime wages for all hours they worked. They assert their claims under the Fair Labor Standards Act (“FLSA”) and California law. Plaintiffs filed the lawsuit individually and on behalf of all other allegedly similarly situated persons. The alleged class period runs from October 4, 2013 to the present. The lawsuit seeks alleged back overtime pay, other penalties, interest and attorneys’ fees. Kaiser very strenuously disputes the claims being made.

The Court has made no ruling on the substantive merits of the case at any point prior to dismissal. **At the parties’ joint request the Court has agreed to dismiss the Lawsuit.** The Court has ordered notice to OPMs who worked during the above period of the dismissal of the Lawsuit. Documents related to the case are on a website at _____ per the Court order. This dismissal means that the Court will not consider whether the claims being made should be certified or not, and no further OPMs can join as party plaintiffs. If you have questions regarding the effect of the dismissal on your rights, if any, and what your legal rights may or may not be you should promptly consult with an attorney of your choosing as there are certain time limits that apply to your ability to bring claims.

THIS NOTICE AND ITS CONTENTS HAVE BEEN ORDERED BY THE FEDERAL DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, HONORABLE EDWARD M. CHEN, UNITED STATES DISTRICT JUDGE. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFFS’ CLAIMS OR OF KAISER’S DEFENSES. PLEASE DO NOT CONTACT THE COURT, THE COURT’S CLERK, OR THE JUDGE. THEY ARE NOT PERMITTED TO ADDRESS YOUR INQUIRIES OR QUESTIONS.

The highlighted sentence should be the first sentence in this paragraph (i.e., swap the first and second sentence of this paragraph.)